

Message Text

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PAGE 01 USBERL 01510 01 OF 02 011223Z

46

ACTION DRC-01

INFO OCT-01 EUR-12 ISO-00 L-03 PER-01 IO-10 DODE-00 SCA-01

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FM USMISSION USBERLIN

TO SECSTATE WASHDC 1241

INFO AMEMBASSY BONN

LIMITED OFFICIAL USE SECTION 1 OF 2 USBERLIN 1510

E.O. 11652: N/A

TAGS: AINF, OGEN

SUBJECT: IMPLEMENTATION OF THE PRIVACY ACT OF 1974

REF: STATE 172353

1. FOLLOWING IS DESCRIPTION IN FORMAT PARA 7 REFTEL
OF FOUR RECORD SYSTEMS MISSION BELIEVES FALL UNDER
PROVISIONS OF PRIVACY ACT.

A. I. GERMAN COURT JURISDICTION REQUESTS

II. MEMBERS OF US FORCES BERLIN INVOLVED IN
LAW SUITS OR OTHER LEGAL ACTION IN GERMAN COURT SYSTEM
IN BERLIN.

III. RECORD INCLUDES A REQUEST FROM GERMAN
AUTHORITIES AS TO WHETHER THEY MIGHT EXERCISE JURISDICTION
OVER CASE INVOLVING MEMBER OF US FORCES, AND RECORD OF
WHETHER OR NOT JURISDICTION WAS GRANTED. FILE DOES NOT
NORMALLY INCLUDE ANY RECORD OF MERITS OR DISPOSITION
OF CASE. IN MOST INSTANCES LAW SUITS ARE CIVIL. MEMBER
OF THE US FORCES WOULD BE EITHER PLAINTIFF, DEFENDANT
OR WITNESS. IN CRIMINAL CASES, MEMBER OF THE US FORCES
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PAGE 02 USBERL 01510 01 OF 02 011223Z

WOULD HAVE BEEN WITNESS. (JURISDICTION IS NORMALLY NOT

GRANTED TO GERMAN COURTS IN CRIMINAL MATTERS IN WHICH
GERMAN AUTHORITIES MIGHT OTHERWISE CONSIDER PROSECUTION.)

IV. PURSUANT TO OCCUPATIONAL
RESPONSIBILITIES FOR WESTERN SECTORS OF BERLIN
WHICH US SHARES WITH UK AND FRANCE, AND SPECIFICALLY
PURSUANT TO ALLIED KOMMANDATURA LAW NO. 7 OF MARCH 17,
1950, GERMAN COURTS IN BERLIN MAY NOT EXERCISE JURISDICTION
OVER A MEMBER OF ALLIED FORCES IN CRIMINAL OR CIVIL CASES
UNLESS AUTHORIZED TO DO SO BY APPROPRIATE SECTOR COMMANDANT.

V. FILE IS MAINTAINED FOR INTERNAL PURPOSES
BY LEGAL ADVISOR, US MISSION, TO ALLOW HIM TO KEEP TRACK
OF STATUS OF REQUESTS FOR EXERCISE OF JURISDICTION BY
GERMAN COURTS. IT WOULD REROUTINELY BE MADE AVAILABLE
TO OFFICE OF JUDGE ADVOCATE GENERAL, US ARMY, BERLIN,
WHERE MATTER INVOLVED MILITARY PERSONNEL OR WHERE THAT
OFFICE WOULD OTHERWISE HAVE SOME CONTRIBUTION TO MAKE
TO RESPONSE TO GERMAN REQUEST.

VI. STORAGE -- FILE FOLDERS, CARD CATALOG.
INDEXED - BY CASE NAME AND BY NAME OF
MEMBER OF US FORCES CONCERNING WHOM GERMAN COURT HAS
REQUESTED US AUTHORITIES TO GRANT JURISDICTION.

SAFEGUARDS -- RECORDS ARE UNCLASSIFIED
AND ARE KEPT IN FILING CABINET IN OFFICE THAT IS
LOCKED WHEN NOT IN USE. AS NOTED ABOVE, THEY DO NOT
NORMALLY INDICATE MERITS OR SUBSTANTIVE DISPOSITION OF
CASE.

RETENTION AND DISPOSAL-- RECORDS GO BACK
TO EARLY 1960'S.

VII. LEGAL ADVISOR, US MISSION

VIIIM SENATOR FOR JUSTICE, BERLIN COURTS.
B. I. RESTITUTION CLAIMS FILE

II. US CITIZENS WHO HAVE WRITTEN TO MISSION
REQUESTING ASSISTANCE IN PURSUING RESTITUTION CLAIMS WITH
GERMAN AUTHORITIES FOR LOSSES ARISING OUT OF NAZI PERIOD.
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PAGE 03 USBERL 01510 01 OF 02 011223Z

III. RECORD NORMALLY INCLUDES CORRESPONDENCE
BETWEEN INDIVIDUAL REQUESTING ASSISTANCE AND MISSION AND
FREQUENTLY BETWEEN MISSION AND GERMAN AUTHORITIES.
GENERALLY FINANCIAL OFFICIALS IN SENAT OFFICES CHARGED
WITH PROCESSING SUCH CLAIMS. (INITIAL LETTERS ARE
FREQUENTLY PASSED TO MISSION FROM DEPARTMENT.) RECORD
MAY ALSO INCLUDE DOCUMENTATION RELATED TO CITIZEN'S

CLAIM WHICH HE HAS SENT TO DEPARTMENT OR MISSION IN ORDER TO FACILITATE INQUIRIES. RECORD NORMALLY DOES NOT CONTAIN INDICATION OF RESULTS OF CLAIM SINCE IT MOST INSTANCES MISSION CAN DO NO MORE THAN REMIND GERMAN OFFICIALS OF USG INTEREST IN ENSURING EXPEDITIOUS AND FAIR CONSIDERATION OF ITS CITIZENS' APPLICATION.

IV. GERMAN RESTITUTION PROGRAM,
INCLUDING SUPREME RESTITUTION COURT WHICH IS MULTI-NATIONAL TRIBUNAL WITH ULTIMATE RESPONSIBILITY FOR

DECIDING MANY TYPES OF RESTITUTION CLAIMS,
OPERATES PARTLY PURSUANT TO CHAPTER THREE OF 1954 CONVENTION OF SETTLEMENT OF MATTERS ARISING OUT OF THE WAR AND THE OCCUPATION. MISSION ALSO PROVIDES ROUTINE ASSISTANCE TO CITIZENS WITHIN SCOPE OF GENERAL AUTHORITY TO ASSIST US CITIZENS IN DEALING WITH LOCAL OFFICIALS TO EXTENT PERMITTED BY LOCAL LAW.

V. FILE IS MAINTAINED FOR INTERNAL
PURPOSES BY LEGAL ADVISOR, US MISSION, TO ALLOW HIM TO KEEP TRACK OF REQUESTS FOR ASSISTANCE ON RESTITUTION MATTERS MISSION RECEIVES FROM US CITIZENS. NO INSTANCE IS RECALLED OF ANY REQUEST FOR ACCESS TO OR INFORMATION FROM FILE BY ANY OTHER OFFICE OR AGENCY.

VI. STORAGE -- FILE FOLDERS, CARD CATALOGUE.
INDEXED -- BY NAME OF CITIZENS REQUESTING ASSISTANCE.

SAFEGUARDS -- RECORDS ARE UNCLASSIFIED
AND ARE KEPT IN FILING CABINET IN OFFICE THAT IS LOCKED WHEN NOT IN USE. AS NOTED ABOVE, THEY DO NOT NORMALLY LIMITED OFFICIAL USE

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PAGE 04 USBERL 01510 01 OF 02 011223Z

INDICATE JUDGMENT OF MERITS OR SUBSTANTIVE DISPOSITION OF CASE.

RETENTION AND DISPOSAL -- SOME RECORDS
GO BACK AS FAR AS TEN YEARS. THEY ARE PRUNED OCCASIONALLY WHEN WORD IS RECEIVED THAT CLAIM HAS BEEN SETTLED OR WHEN THERE HAS BEEN NO FURTHER CORRESPONDENCE FOR NUMBER OF YEARS.

VII. LEGAL ADVISOR, US MISSION

VIII. AS NOTED UNDER II ABOVE.

C. I. PASSPORT AND CITIZENSHIP FILES

II. NAMES OF AMERICAN CITIZENS WHO HAVE REGISTERED AS RESIDENTS OF THE CONSULAR DISTRICT OR WHO HAVE APPLIED FOR PASSPORT AND CITIZENSHIP SERVICES.

III. BIOGRAPHIC INFORMATION REGARDING INDIVIDUAL CONCERNED AND RECORD OF PASSPORT AND CITIZENSHIP SERVICES FURNISHED TO HIM.

IV. 22 CFR 51.33

V. INFORMATION IS THESE RECORDS IS FOR THE PURPOSE OF PERFORMING PASSPORT AND CITIZENSHIP SERVICES AND IS THUS NOT ROUTINELY MADE AVAILABLE TO ANYONE EXCEPT CONSULAR PERSONNEL AND THE DEPARTMENT OF STATE. INFORMATION CAN, HOWEVER, BE RELEASED UPON REQUEST TO THE PERSON CONCERNED, TO SOMEONE ACTING IN HIS BEHALF OR TO ANY US GOVERNMENT AGENCY PURSUANT TO 22 CFR 51.33.

VI. BASIC RECORD IS PASSPORT AND CITIZENSHIP CARD (FORM FS-558).

RECORDS ARE INDEXED BY NAME.

RECORDS ARE STORED IN LOCKED FILE CABINETS AND ARE ACCESSIBLE ONLY TO AUTHORIZED CONSULAR PERSONNEL.

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PAGE 05 USBERL 01510 01 OF 02 011223Z

RECORDS ARE MAINTAINED FOR FIVE YEARS FOLLOWING LATEST PASSPORT ACTION.

VII. CONSULAR OFFICER.

VIII. SOURCE OF INFORMATION IS THE INDIVIDUAL CONCERNED.

NOTE BY OC/T: CAUTION: THIS MESSAGE APPEARS TO CONTAIN SENSITIVE INTELLIGENCE INFORMATION

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Message Attributes

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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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